

REMARKS

INTRODUCTION

Claims 1–15, 20, 23–25, and 27–29 were previously pending and under consideration.

Claims 11, 15, and 23 are cancelled herein.

Claims 1–10, 12–15, 20, 23–25, and 27–29

Claims 1–15, 20, 23–25, and 27–29 stand rejected.

Claims 1, 10, 12, 20, 28, and 29 are amended herein.

No new matter has been added.

INTERVIEW SUMMARY

Applicant thanks the Examiner for the Interviews of 9/15/2009 and 9/17/2009. During the 9/15/2009 Interview, Examiner and Applicant discussed the claim changes made herein.

The amendments are made for clarity and not for patentability or to distinguish over prior art; the claims prior to this amendment are allowable for reasons of record, including Applicant's Appeal Brief. The amendment to claim 29 clarifies that a selection is based on response times of requests from the DNS-LB to IPs of the hostname, for example, the time that it takes an application-level communication to be answered (e.g., an HTTP operation, etc.), the time it takes for a network probe (e.g., ping, ICMP echo, traceroute, etc.), or any other form of communication which might have a measurable response time. Some claims are amended to recite "network latency" as opposed to "actual network latency", as the network latency from a DNS-LB to a server might be a close approximation of a client's network latency to that server.

During the 9/17/2009 Interview, Applicant and Examiner discussed claim 29, the Examiner noting that further search may be required for claim 29, and that the remaining claims were allowable. Applicant apprised Examiner that an RCE and IDS would accompany this Amendment.

Claim 23 is cancelled without prejudice and only to expedite allowance of the application by allowing the Examiner to proceed without additional search (although Applicant does not believe additional search would be needed anyway, or would alter the patentability of claim 23).

CONCLUSION

The present application is in condition for allowance. A prompt action to such end is requested.

Should any fees be required in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-0463.

If the Examiner believes a telephone interview would be helpful to expedite prosecution, the Examiner is invited to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,
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